

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:15-cr-00172-AA

v.

OPINION & ORDER

EMMANUEL KAZEEM,

Defendant.

AIKEN, District Judge.

This case comes before the Court on Defendant Emmanuel Kazeem's Motion for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A). ECF No. 401. For the reasons set forth below, the Motion is DENIED.

BACKGROUND

In August 2017, Defendant was convicted of conspiracy, fraud, and identity theft following a jury trial. ECF No. 219. In June 2018, Defendant was sentenced to 180 months in prison followed by three years of supervised release. ECF No. 400. Defendant filed a motion for compassionate release in November 2020. ECF No. 401.

DISCUSSION

Defendant's motion for compassionate release, ECF No. 401, seeks a reduction in Defendant's sentence pursuant to the First Step Act. Generally, a federal court may not modify a term of imprisonment once it has been imposed. 18 U.S.C. § 3582(c). But this rule is subject to

several exceptions, “one of which provides courts the discretion to grant a prisoner compassionate release when certain conditions are met.” *United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021). In addition to the exhaustion of administrative remedies, a court must be satisfied that (1) “extraordinary and compelling reasons warrant such a reduction,” and must (2) consider the “factors set forth in section 3553(a) to the extent that they are applicable.” *Id.* at 1283-84. Although courts must consider each step when granting a motion for compassionate release, “a district court that properly *denies* compassionate release need not evaluate each step.” *Id.* at 1284 (emphasis in original).

In support of his motion, Defendant points to the risk of COVID-19 and the inability to maintain social distancing while in prison. This is not sufficient to constitute extraordinary and compelling circumstances warranting a reduction in Defendant’s sentence. Accordingly, the Court need not examine the § 3553(a) factors and Defendant’s Motion is DENIED.

It is so ORDERED and DATED this 9th day of September 2022

/s/Ann Aiken
ANN AIKEN
United States District Judge